

**LR78.1W & M**

Each judge shall designate a particular day or days as motion day. On this day priority shall be given to the presentation of motions. Motions may also be designated for hearing at some other time by order of the judge to whom the action is allotted. On motion day, the court may also consider reviews from magistrate judges' rulings, contradictory motions requiring action by the court after hearing and other matters required by law or court order to be heard and determined summarily.

Oral argument will be allowed only when ordered by the court. All other motions will be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

GENERAL ORDER 2002 - 04

ORDER AMENDING LOCAL RULES

FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF LA.

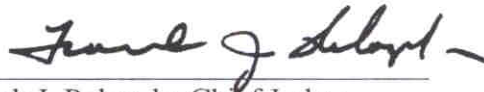
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SIGN \_\_\_\_\_  
by DEPUTY CLERK

Appropriate Public Notice and an opportunity to comment having been given pursuant to Rule 83 of the Federal Rules of Civil Procedure, and pursuant to a majority vote of the active judges of this court,

IT IS ORDERED that the Uniform Local Rules of the United States District Courts for Eastern, Middle and Western Districts of Louisiana are amended as attached.

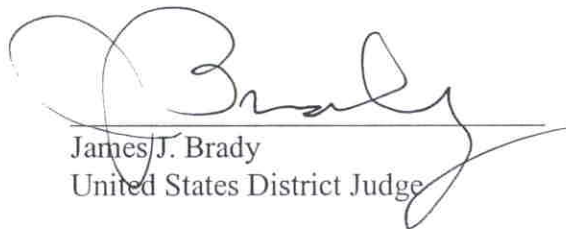
Baton Rouge, Louisiana, this 28 day of June, 2002.



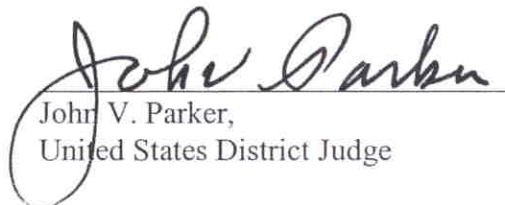
Frank J. Polozola, Chief Judge  
United States District Court



Ralph E. Tyson  
United States District Judge



James J. Brady  
United States District Judge



John V. Parker,  
United States District Judge

## **LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION**

### **LR3.1.1E & M Assignment of Collateral Proceedings and Refiled Cases**

In order to promote judicial economy and conserve judicial resources, and to avoid the potential for forum shopping and conflicting court rulings, all actions described in LR3.1 shall be transferred to the section to which the matter having the lowest docket number has been allotted, unless the two judges involved determine that some other procedure is in the interest of justice. If the transferee or transferor judges cannot agree upon whether a case should be transferred, the opinion of the transferee judge prevails.

If counsel fails to make the certification described in LR3.1, then the allotted judge shall take this action when he or she learns of the related nature of the proceedings.

## **LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

### **LR5.1.1E & M Filing of Extraordinary Pleadings**

All pleadings of an extraordinary nature (e.g., temporary restraining orders, vessel seizure, writs of attachment, and other pleadings requiring immediate judicial action) shall be filed personally by an attorney signing the pleadings. The attorney shall remain available to the judge to whom the matter has been allotted until the judge has had the opportunity to review the pleadings and determine the course to be followed.

## **LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS**

### **LR7.1E& M Submission of Motions**

All motions except those made during a hearing or trial which is being properly recorded into the court record shall be made in writing. Each motion and its accompanying documents shall be filed in duplicate; one copy is for the record, and the other is for the use of the hearing judge. Papers filed with the motion are thereby made part of the record.

### **LR7.3 M Submission of Ex Parte or Consent Motions**

An application for an order allowed by these rules to be submitted ex parte or by consent shall be accompanied by a proposed order on a separately captioned page. Except as otherwise ordered in an individual case, every such application shall be submitted to the judges through the clerk.

### **LR7.4.1M Motions Not Requiring Memorandum**

All motions listed below, while not required to be accompanied by a memorandum, must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought. No memorandum is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: (1) For extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or as extended by previous orders; (2) to continue a pretrial conference, hearing, motion, or the trial of an action; (3) to add additional parties; (4) to amend pleadings; (5) to file supplemental pleadings; (6) to appoint

next friend or guardian ad litem; (7) to intervene; (8) for substitution of parties; (9) joint motions to dismiss or consolidate; and (10) to withdraw as counsel. Prior to filing any motion under this section, the moving party shall attempt to obtain consent for the filing and granting of such motion from all parties having an interest to oppose, and a certificate stating the position of the other parties shall be included in the motion. A proposed order on a separately captioned page shall accompany each motion filed under this paragraph.

#### **LR7. 8M Memoranda**

All initial memoranda filed by a party (including briefs, objections, and appeals to district judges) shall be limited to 30 pages excluding attachments. Subsequent memoranda, if any, shall not exceed 20 pages excluding attachments. The original memorandum and a copy for use by the judge shall be delivered to the clerk. The form of the memorandum shall comply with LR10.1M.

#### **LR7.9E & M Extension of Time to Plead**

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed in the record an objection to an extension of time, then on an ex parte motion and order, the court will allow one extension for a period of 20 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only by application to the court and for good cause shown.



## **LOCAL CIVIL RULE 10 - FORM OF PLEADINGS**

### **LR10.1 M Form: Statement Regarding Filing of Papers**

All papers drafted for filing in this court shall be on 8-1/2 by 11 inch paper, numbered sequentially, and plainly written or printed in no smaller than standard 12 - point typeface without defacing erasures or interlineations, and shall be double spaced. Footnotes may be printed in no smaller than standard 10-point typeface. Quotations and footnotes may be single spaced.

In addition to the requirements of *FRCvP 10(a)*, after allotment the caption shall also indicate the Section Letter of the District Judge and the Section Number of the Magistrate Judge to whom the case is assigned.

A completed and executed Civil Cover Sheet form shall accompany the initial pleading of each civil case to be filed, except that such requirement shall not apply to persons in the custody of civil, state or federal institutions or to persons filing cases *pro se*.

All memoranda shall comply with LR7.8 M.

## **LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS**

### **LR11.1M Signing of Pleadings, Motions and Other Papers**

Every pleading, motion, or other paper presented for filing shall, in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel admitted to practice before this court or admitted *pro hac vice* for the case in his or her individual name. In addition, counsel's name, address, telephone and

facsimile numbers, and Attorney Identification Number shall be typed or printed under his or her signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the Attorney Identification Number shall be the same as the number assigned by the Supreme Court of Louisiana. Otherwise, the Attorney Identification Number shall be the number assigned by this court.

Documents filed by a party not represented by counsel shall be signed by the party and shall include name, address and telephone number.

Each attorney and *pro se* litigant has a continuing obligation to apprise court of any address change.

#### **LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE**

~~LR26.3 M~~ Disclosure Under FRCvP 26(a) - repealed

~~LR26.5 M~~ Non-Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party - repealed

~~LR26.6 M~~ Disputed Disclosure and Discovery Materials to Be Filed With Request for Relief - repealed

#### **LOCAL CIVIL RULE 33 - INTERROGATORIES TO PARTIES**

~~LR33.1 M & W~~ Number of Interrogatories - repealed

#### **LOCAL CIVIL RULE 36 - REQUESTS FOR ADMISSION**

~~LR36.2 M~~ Number of Requests for Admission

No party shall serve on any other party more than 25 requests for admission in the aggregate without leave of court. Each sub-part of a request for admission shall count as an additional request for admission. Any party desiring to serve

additional requests for admission shall file a written motion setting forth the proposed additional requests for admission and the reasons establishing good cause for their use.

**LOCAL CIVIL RULE 37 - FAILURE TO MAKE  
DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS**

**LR37.1 E & ~~M~~ Discovery Motions - repealed**

**LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS**

**LR41.2 E & ~~M~~ Conditional Dismissals - repealed**

**LR41.3M Dismissal for Failure to Prosecute**

A civil action may be dismissed by the court for lack of prosecution as follows:

- A. Where no service of process has been made within 120 days after filing of the complaint;
- B. Where no responsive pleadings have been filed or no default has been entered within 60 days after service of process, except when FRCvP 12(a)(3) applies or a dispositive motion is pending; or
- C. Where a cause has been pending six months without proceedings being taken within such period. This provision shall not apply if the cause is awaiting action by the court.

Prior to issuance of a dismissal, notice shall be sent to the plaintiff, and plaintiff shall be allowed 10 calendar days from mailing of the notice within which to file evidence of good cause for plaintiff's failure to act. If no response is received within the allotted time, the court may dismiss the civil action. If a timely response is filed, a district judge or a magistrate judge may order additional time



within which to take action, dismiss the civil action without prejudice, or issue any other appropriate order.

Dismissal under this Rule shall be without prejudice. The Order of Dismissal shall allow for reinstatement of the action within 30 days for good cause shown.

The failure of an attorney or *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to a party or the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

#### **LOCAL CIVIL RULE 45 - SUBPOENA**

##### **LR45.3 M Subpoena Duces Tecum to Hospitals**

A. When a subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and such subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a patient in such hospital or facility, it shall be sufficient compliance therewith if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in such subpoena to the clerk of court or other tribunal, or if there is no clerk, then the court or other tribunal, together with the affidavit described in Subsection B. Production of the record shall occur prior to the time fixed for the trial, but no earlier than two working days before the trial date unless otherwise directed in the pretrial order. This section is limited to procedures for complying

with a subpoena duces tecum for purposes of trial and shall not affect the rights of parties to production of documents pursuant to laws governing discovery or other laws pertaining thereto, including Rule 902 (11) of the Federal Rules of Evidence.

B. The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:

1. That the affiant is the duly authorized custodian of the records and has authority to certify the records.
2. That the copy is a true copy of all records described in the subpoena.
3. That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility at or near the time of the act, condition, or event.

C. If the hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Subsection A.

#### **LOCAL CIVIL RULE 55 - DEFAULT**

##### **LR55.1W & M Default Judgment**

In addition to the provisions of *FRCvP 55*, the following rules apply to default judgments:

- A. All requests for entry of default shall be made to the clerk in writing;
- B. The clerk shall mail by regular mail notice of entry of default to each defendant or his or her attorney at his or her last known address;

- C. A judgment of default shall not be entered until 10 calendar days after entry of default.

#### **LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT**

**~~LR56.2M~~ Opposition to Summary Judgment - repealed**

**LR56.2E & W & M Opposition to Summary Judgment**

Each copy of the papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which there exists a genuine issue to be tried. All material facts set forth in the statement required to be served by the moving party will be deemed admitted, for purposes of the motion, unless controverted as required by this rule.

#### **LOCAL CIVIL RULE 62 - STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT**

**~~LR62.2M~~ Supersedeas Bond - repealed**

**LR62.2E & W & M Supersedeas Bond**

A supersedeas bond staying execution of a money judgment shall be in the amount of the judgment plus 20% of the amount to cover interest, costs and any award of damages for delay, unless the court directs otherwise.

#### **LOCAL CIVIL RULE 65 - INJUNCTIONS**

**LR65.1W & M Temporary Restraining Orders and Preliminary Injunctions**

An application for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint. An application for a temporary restraining order shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, or by other proof satisfactory to the court, stating

(1) that actual notice of the time of making the application, and copies of all pleadings and other papers filed in the action to date or to be presented to the court at the hearing, have been furnished to the adverse party's attorney, if known, otherwise to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. Except in an emergency, the court will not consider an ex parte application for a temporary restraining order.

**LOCAL CIVIL RULE 73 - MAGISTRATE  
JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS**

**LR73.2M Referral of Cases**

- A. The clerk shall refer cases to the magistrate judges in accordance with the court's general orders and standing orders issued by the judge to whom the case is assigned.

**LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS**

**LR77.2E & W & M Sessions of Court**

The court shall be in continuous session on all business days through the year for transacting judicial business.

**LOCAL CIVIL RULE 78 - MOTION DAY**

**LR78.1M Motion Days**

Motions may be designated for hearing by order of the individual judge to whom the motion is allotted. Any party desiring oral argument must file either contemporaneously with the filing of the motion or opposition memorandum, or within three days after receipt of the opposition memorandum, a separate



statement setting forth the reasons why oral argument should be heard.

Notwithstanding the filing of a statement regarding oral argument, oral argument on motions will be allowed only where the judge hearing the motion notifies the parties involved that he or she desires oral argument. Except as set out heretofore, all other motions will be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith.

**LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS;  
JUDGES' DIRECTIVES**

**LOCAL CIVIL RULE 83.2 - ATTORNEYS**

**LR83.2.4M Rules of Conduct - repealed**

**LR83.2.3.1M Payment of Annual Fees**

- A. In addition to the fee paid upon admission to the bar of this court, every attorney so admitted shall pay to the clerk of this court an annual fee in an amount to be determined by the court. Such fee shall be due and payable triennially commencing January 31, 2003, along with a registration statement on a form provided by the clerk.
- B. Any attorney who fails to pay the annual fee shall be summarily suspended, provided a notice of delinquency has been sent to the attorney's last address known to this court at least 30 days prior to such suspension.
- C. Any attorney suspended under the provisions above shall be automatically reinstated without further order upon payment of all arrears, unless such suspension has been for a period of five years or more.
- D. An attorney who has retired or is not engaged in the practice of law before this



court may advise the clerk in writing that he/she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such notice, the attorney shall no longer be eligible to practice law in this court and shall not be obligated for further payment of the fee prescribed herein.

- E. Upon a filing of a notice to assume inactive status, the attorney shall be removed from the roll of those classified as active until and unless the attorney requests and is granted reinstatement to the active rolls. Reinstatement shall be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment or has been on inactive status for five years or more) upon the payment of any fees due as prescribed by this Rule.

#### **LR83.2.4E & M Rules of Conduct**

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, as hereafter may be amended from time to time by the Louisiana Supreme Court, except as otherwise provided by a specific rule or general order of a court.

#### **LR83.2.6E & ~~M~~ Visiting Attorneys - repealed**

#### **LR83.2.6 M Visiting Attorneys**

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is not a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case.

The motion must have attached to it a certificate of recent date from the presiding judge or clerk of the highest court of the state, or court of the United States, where the attorney has been so admitted to practice, showing that the applicant attorney has been so admitted in such court, and that the applicant is in good standing.

The applicant attorney shall state under oath whether any disciplinary proceedings or criminal charges have been instituted against the applicant, and if so, shall disclose full information about the proceeding or charges and the ultimate determination, if any.

The applicant attorney shall pay a \$25.00 fee to the clerk of court and shall submit the following oath: I DO SOLEMNLY SWEAR (OR AFFIRM OR PROMISE) that I will support the Constitution of the United States and that I will demean myself uprightly and according to law and the recognized standards of ethics of the legal profession. I do further solemnly swear (or affirm or promise) that I have read the Federal Rules of Civil Procedure, 28 USC; the Federal Rules of Criminal Procedure, 18 USC; the Federal Rules of Evidence, 28 USC; and the Uniform Local Rules of the United States District Court for the Middle District of Louisiana, and that I am fully prepared to use and abide by them in my practice before this Court.

An attorney permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom the visiting attorney is associated.

Local counsel shall be responsible to the court at all stages of the proceedings.

Designation of the visiting attorney as "Trial Attorney" pursuant to LR11.2 herein shall not relieve the local counsel of the responsibilities imposed by this rule.

The fee described in this rule is applicable in each case in which the visiting attorney seeks recognition as qualified counsel.

#### **LR83.2.10M Suspension and Disbarment**

Any person admitted to practice before the court shall give written notice to the clerk of:

1. His/her disbarment or suspension by any court or bar association; and
2. His/her conviction of any felony.

Pending any appeal of the conviction, suspension or disbarment, a member of the bar may be suspended from further practice before this court.

Any member of the bar of this court may be disbarred or otherwise disciplined after such hearing as the court may in each particular instance direct, but any member of this bar who has been disbarred or dropped, or hereafter may be disbarred or dropped, from the Bar of the State of Louisiana, shall be dropped from the bar of this court and his/her name stricken from the roll.

#### **~~LR83.2.14 M Courtroom Decorum - repealed~~**

#### **LR83.2.14 M & W Courtroom Decorum**

The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In

addition to the other requirements, therefore, lawyers appearing in this court shall:

1. Stand as court is opened, recessed or adjourned.
2. Stand when the jury enters or retires from the courtroom.
3. Stand when addressing, or being addressed by, the court.
4. Stand at the lectern while examining any witness; except that counsel may approach the clerk's desk or the witness for purposes of handling or tendering exhibits.
5. Stand at the lectern while making opening statements or closing arguments.
6. Address all remarks to the court, not to opposing counsel.
7. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
8. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
9. Only one attorney for each party shall examine, or cross examine, each witness.
10. Counsel should request permission before approaching the bench; and any documents counsel wish to have the court examine should be handed to the clerk.
11. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
12. In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the court.
13. In examining a witness counsel shall not repeat or echo the answer given by the witness.



14. Offers of, or requests for, a stipulation should be made privately, not within hearing of the jury.
15. In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.
16. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

## **LOCAL ADMIRALTY RULES**

### **LOCAL ADMIRALTY RULE 64 - SEIZURE OF PROPERTY**

#### **LAR 64.5 Notices**

Unless otherwise ordered by the court, or otherwise provided by law, all notices required to be published by statute, rule, or order of court shall be published in the following newspapers, depending on the district and division of the court in which filed:

Eastern District	<i>Times-Picayune</i>
Middle District	<i>The Advocate</i>
Shreveport Division	<i>Shreveport Times</i>
Monroe Division	<i>Monroe Morning World</i>
Alexandria Division	<i>The Alexandria Daily Town Talk</i>
Lake Charles Division	<i>Lake Charles American Press</i>
Lafayette/Opelousas Division	<i>The Daily Advertiser</i>



## **LOCAL CRIMINAL RULES**

### **LOCAL CRIMINAL RULE 5 - INITIAL APPEARANCE BEFORE THE MAGISTRATE JUDGE**

#### **LCrR5.1M & W Referral of Pre-trial Proceedings in Criminal Cases - repealed**

#### **LCrR5.1M Referral of Pre-trial Proceedings in Criminal Cases**

Pre-trial proceedings in criminal matters may be referred to a magistrate judge for decision or for report and recommendation, in accordance with 28 U.S.C. 636(b)(1)(A) and (B), by specific referral of the presiding district judge or by any general or standing orders.

### **LOCAL CRIMINAL RULE 12 – MOTIONS BEFORE TRIAL**

#### **LCrR12.1 M Criminal Motion Practice**

All criminal motions shall comply with the provisions of Local Civil Rules 7, 10, and 11.

### **LOCAL CRIMINAL RULE 32 - SENTENCE AND JUDGMENT**

#### **LCrR32.1E & M Sentencing**

A. In accordance with the provisions of Federal Rule of Criminal Procedure 32, when a presentence investigation is ordered, defendant's counsel, upon request, is entitled to notice and a reasonable opportunity to attend any interview of the defendant by a probation officer in the course of a presentence investigation.

B. Not less than 35 days prior to the date set for sentencing, unless the defendant waives this minimum period, the probation officer shall disclose the presentence investigation report to the defendant, counsel for the defendant and the Government. Within 14 days thereafter, counsel shall communicate in writing to the probation officer and each other any objections they may have as to any material information, sentencing

classifications, sentencing guideline ranges, and policy statements contained in or omitted from the report.

C. After receiving counsel's objections, the probation officer shall conduct any further investigation and make any revision to the presentence report that may be necessary. The officer may require counsel for both parties to meet with the officer to discuss unresolved factual and legal issues.

D. Not later than seven days prior to the date of the sentencing hearing, the probation officer shall submit the presentence report to the sentencing judge. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the officer's comments thereon. At the same time, the probation officer must furnish the revisions of the presentence report and the addendum to the defendant, the defendant's counsel, and the attorney for the Government.

E. Except with regard to any objection made under subdivision B that has not been resolved, the report of the presentence investigation may be accepted by the court as accurate. The court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed issues of fact, the court may consider any reliable information presented by the probation officer, the defendant, or the Government.

F. The times set forth in this rule may be modified by the court for good cause shown, except that the 14 day period set forth in subdivision B may be diminished only with the consent of the defendant.

G. Nothing in this rule requires the disclosure of any portions of the presentence report that are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure.

As permitted by Rule 32, the probation officer's recommendation on the sentence shall not be disclosed.

H. The presentence report shall be deemed to have been disclosed:

1. when a copy of the report is physically delivered,
2. one day after the report's availability for inspection is orally communicated, or
3. three days after a copy of the report or notice of its availability is mailed.

**~~LCrR32.1M~~ Sentencing - repealed**

**LCrR32.2M Presentencing Memoranda**

A party may submit a sentencing memorandum addressing any factor taken into account for sentencing purposes. The memorandum may contain, but is not limited to, sentencing factors for upward or downward departure including those considered pursuant to *USSG §5K1.1*; argument on unresolved objections to the presentence report; and any information concerning the background, character, and conduct of the defendant, in accordance with 18 U.S.C. § 3661. All such sentencing memoranda shall be submitted directly to the sentencing judge at least seven calendar days prior to the date of sentencing with simultaneous, confidential copies to all parties, including the Probation Office. Where an appeal is taken, the Probation Office shall forward the sentencing memoranda, presentence report, and addendum to the Clerk of Court for confidential submission to the Court of Appeals. The submission of a sentencing memorandum does not relieve the parties from the obligation of providing the probation officer with written objections to the presentence report within 14 days from the day of disclosure in accordance with Fed. R. Cr. P. 32(b)(6)(A).

## **LOCAL CRIMINAL RULE 53 – REGULATION OF CONDUCT IN THE COURTROOM**

### **LCrR53.8 E & W Disclosure of Information by Courthouse Personnel**

#### **LCrR53.8M Disclosure of Information by Courthouse Personnel**

All courthouse personnel, including marshals, deputy marshals, guards, court clerks, deputy clerks, law clerks, secretaries, bailiffs, court reporters, and probation and pretrial services officers shall under no circumstances disclose to any person, without express authorization by the court, information relating to a pending criminal case or grand jury matter that is not part of the public records of the court. This rule specifically forbids the divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.